

FILED
MAR 22 2017
SUSAN Y. SOONG
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Aaron Greenspan
500 Race Street
Apartment 4321
San Jose, CA 95126-5159

By Hand-Delivery

March 15, 2017

CV 17 80036 MISC.

Clerk's Office
United States District Court for the Northern District of California
280 S. 1st Street
San Jose, CA 95113

HRL

Re: Application for DMCA Subpoena

Dear Sir or Madam:

I respectfully request that the Clerk issue a subpoena pursuant to 17 U.S.C. § 512(h).

By way of background, Section 512(h) of the Digital Millennium Copyright Act provides that a "copyright owner or a person authorized to act on the owner's behalf may request the clerk of any United States District Court to issue a subpoena to a service provider for identification of an alleged infringer in accordance with this subsection." 17 U.S.C. § 512(h)(1). For a subpoena to be issued, Section 512(h) requires that a copyright owner file the following with the Clerk:

- (1) A copy of the notification required by Section 512(c)(3)(A);
- (2) A proposed subpoena; and
- (3) A sworn declaration to the effect that the purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting rights under this title.

Accordingly, attached for filing with the Clerk is my notification pursuant to Section 512(c)(3)(A), a proposed subpoena, and a sworn declaration. As I have complied with the requirements of the statute, I ask that the clerk pursuant to Section 512(h)(4) expeditiously issue and sign the proposed subpoena and return it for service on the subpoena recipient.

Thank you for your cooperation and prompt response in this matter. If you have any questions, I am reachable by phone at +1 415 670 9350 or by e-mail at aaron.greenspan@plainsite.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Greenspan", with a stylized, flowing script.

Aaron Greenspan

Enclosures

From: Aaron Greenspan aaron.greenspan@PLAINSITE.ORG
Subject: Fwd: DMCA Takedown Request
Date: March 10, 2017 at 12:32 AM
To: soc@sucuri.net
Cc: dcid@sucuri.net

To Whom It May Concern:

See below.

According to CloudFlare, you are providing either firewall (what you call "GDAN" services) or hosting for this site. Please be advised that I will sue you unless you remedy the issues below within 24 hours. I would also greatly appreciate it if you could provide the true IP of the hosting server, which I suspect belongs to OrangeWebsite.com's subnet.

This customer is linked to a criminal extortion ring. Surely there are better ways for you to earn revenue.

Thanks,

Aaron

Begin forwarded message:

From: CloudFlare <abuse@cloudflare.com>
Subject: [d27617921290e9cc]: Cloudflare has responded to your copyright infringement complaint.
Date: March 10, 2017 at 12:20:44 AM GMT+1
To: <aaron.greenspan@plainsite.org>
Reply-To: <abusereply@cloudflare.com>

Cloudflare received your copyright infringement complaint regarding:
stdcarriersdatabase.com

Please be aware Cloudflare is a network provider offering a reverse proxy, pass-through security service. We are not a hosting provider. Cloudflare does not control the content of our customers.

Accepted URL(s) on stdcarriersdatabase.com:

<http://stdcarriersdatabase.com/aaron-jacob-greenspan-california-looks-gay/>
<http://stdcarriersdatabase.com/aaron-jacob-greenspan-california-looks-gay/aaron-jacob-greenspan/>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-of-plainsite-and-think-computer-foundation-70x53.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-of-plainsite-and-think-computer-foundation-150x150.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-of-plainsite-and-think-computer-foundation-174x131.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-of-plainsite-and-think-computer-foundation.jpg>
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-70x53.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-150x150.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-174x131.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-300x209.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-620x264.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-768x536.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-1024x714.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_.jpg
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/aaron-jacob-greenspan-70x53.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/aaron-jacob-greenspan-150x150.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/aaron-jacob-greenspan-174x131.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/aaron-jacob-greenspan.jpg>

Hosting Provider:

SUCURI-SEC

Abuse Contact:

soc@sucuri.net

We have notified our customer of your complaint, and we have forwarded your complaint on to the responsible hosting provider. You may also direct your report to:

may also direct your report to:

1. The provider where stdcarriersdatabase.com is hosted (provided above);
2. The owner listed in the WHOIS record for stdcarriersdatabase.com and/or;
3. The contact listed on the stdcarriersdatabase.com site.

Note: A lookup of the IP for a Cloudflare customer website will show Cloudflare IPs because we are a pass-through network. The actual website is still hosted at the hosting provider indicated above. If the hosting provider has any questions, please have the hosting provider contact us directly regarding this site. Due to attempted abuse of our complaint reporting process, we will only provide the IP of stdcarriersdatabase.com to the responsible hosting provider if they contact us directly at abusereply@cloudflare.com.

Regards,

Cloudflare Abuse

Begin forwarded message:

From: Aaron Greenspan <aaron.greenspan@plainsite.org>
Subject: DMCA Takedown Request
Date: March 8, 2017 at 2:51:50 PM GMT+1
To: abuse@cloudflare.com, abuse@orangewebsite.com, support@orangewebsite.com, abuse@advania.is
Cc: stdcarriersdatabase.com-owner@customers.whoisprivacycorp.com,
5437ba35pdovgnlj@5225b4d0pi3627q9.whoisprivacycorp.com

To Whom It May Concern:

My name is Aaron Greenspan. A website that your company hosts (according to WHOIS information) is infringing on at least two copyrights I own.

At least two articles were copied onto your servers or network without permission. The original photographs, to which I own the exclusive copyrights, can be found at:

<http://www.aarongreenspan.com/about/index.html>
https://www.amazon.com/Aaron-Greenspan/e/B001JP1R5W/ref=ntt_dp_epwbk_0

A third copyrighted photograph appears originally here:

https://www.odt.co.nz/sites/default/files/story/2016/04/aaron_greenspan_uses_his_smart_phone_to_showcase_f_1297225291.JPG

The unauthorized and infringing copies can be found at:

<http://stdcarriersdatabase.com/aaron-jacob-greenspan-california-looks-gay/>
<http://stdcarriersdatabase.com/aaron-jacob-greenspan-california-looks-gay/aaron-jacob-greenspan/>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-of-plainsite-and-think-computer-foundation-70x53.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-of-plainsite-and-think-computer-foundation-150x150.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-of-plainsite-and-think-computer-foundation-174x131.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-of-plainsite-and-think-computer-foundation.jpg>
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-70x53.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-150x150.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-174x131.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-300x209.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-620x264.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-768x536.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_-1024x714.jpg
http://stdcarriersdatabase.com/wp-content/uploads/2017/03/Aaron-Jacob-Greenspan-plainsite.org_.jpg
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/aaron-jacob-greenspan-70x53.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/aaron-jacob-greenspan-150x150.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/aaron-jacob-greenspan-174x131.jpg>
<http://stdcarriersdatabase.com/wp-content/uploads/2017/03/aaron-jacob-greenspan.jpg>

This letter is official notification under Section 512(c) of the Digital Millennium Copyright Act ("DMCA"), and I seek the removal of the aforementioned infringing material from your servers. I request that you immediately notify the infringer of this notice and inform them of their duty to remove the infringing material immediately, and notify them to cease any further posting of infringing material to your server in the future.

Please also be advised that law requires you, as a service provider, to remove or disable access to the infringing materials upon

receiving this notice. Under US law a service provider, such as yourself, enjoys immunity from a copyright lawsuit provided that you act with deliberate speed to investigate and rectify ongoing copyright infringement. If service providers do not investigate and remove or disable the infringing material this immunity is lost. Therefore, in order for you to remain immune from a copyright infringement action you will need to investigate and ultimately remove or otherwise disable the infringing material from your servers with all due speed should the direct infringer, your client, not comply immediately.

I am providing this notice in good faith and with the reasonable belief that rights I own are being infringed.

As to the rest of the content on the aforementioned page, it is defamatory and false. If the entire page is not removed, I will not hesitate to initiate legal action against you in order to determine the identity (IP address) of the poster.

Under penalty of perjury I certify that the information contained in the notification is both true and accurate, and I have the authority to act on behalf of the owner of the copyright(s) involved.

Should you wish to discuss this with me please contact me directly. You can reach me at aaron.greenspan@plainsite.org or by phone at +1 415 670 9350.

/s/Aaron Greenspan/
Aaron Greenspan

